

Notice of Allowability

Application No.

09/620,832

Examiner

Matthew R Demicco

Applicant(s)

KAHN ET AL.

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an RCE filed 6/23/04.
2. ☒ The allowed claim(s) is/are 1-37.
3. ☒ The drawings filed on 11 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 8.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/30/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.



CHRIS GRANT
PRIMARY EXAMINER

DETAILED ACTION

Response to Amendment

1. This action is responsive to an RCE filed 6/23/04 in which Applicant filed a PTO-1449 Information Disclosure Statement. Claims 1-37 are pending. No Claims have been amended by way of the RCE.

Allowable Subject Matter

2. Claims 1-37 are allowed. The following is a statement of reasons for the indication of allowable subject matter:

Claims 1, 16 and 25 are allowable over the prior art because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found motivation to combine any of the prior art that teaches a method of storing program material for subsequent replay wherein encrypted access control information and encrypted program material are received, the access control information including the first encryption key being subsequently encrypted according a second key, the second key being encrypted according to a third key and stored along with the received encrypted program material that is doubly-encrypted using the second key.

U.S. Patent No. 6,398,245 to Gruse et al. as disclosed by Applicant teaches a digital content storage device that receives encrypted data, decrypts it, and then re-encrypts the data according to a second key, which is subsequently encrypted. Gruse, however, teaches deleting the first key as opposed to triply encrypting and storing it. Therefore, the stored program content of Gruse is only singly encrypted (versus the

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double encryption of the claimed subject matter) and the encryption key of Gruse is only doubly encrypted (versus the triple encryption of the claimed subject matter). Because Gruse teaches decrypting the received data and destroying the first received encryption key, the prior art does not fully anticipate the claimed subject matter and indeed teaches away from the steps of further encrypting and storing the received key.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MRD

mrd

September 16, 2004


CHRIS GRANT
PRIMARY EXAMINER